

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
RAFAEL RIVERA ORTIZ

CASE NO. 10-03082-BKT

CHAPTER 13

DEBTOR (S)

**TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED POST CONFIRMATION PLAN MODIFICATION**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1329**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Under Median / 36 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in

R2016 STM. \$3,000.00

TOTAL ATTORNEYS FEES THRU PLAN: \$2,724.00 Fees paid: \$1,283.65 Fees Outstanding: \$1,440.35

With respect to the proposed (amended) Plan dated: **4/18/2011** (Dkt 34).

Plan Base: **10,500.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)]: Default in payments to Trustee.

Debtor has \$350.00 in arrears in payments to the Trustee, Debtor has only made eight (8) payments of \$175.00. In order to receive a favorable report Debtor must be up to date with his plan payments.

- Feasibility [§1325(a)(6)]: There is/are no allowed claim(s) for creditor(s) dealt in the plan [FRBP RULE 3021].

Allowed secured creditor Banco Popular de Puerto Rico has not file any claim regarding post petition arrears.

- Fails to commit all future earnings / projected disposable income to fund the plan. [§1322(a)(1)]

Debtor is requesting three (3) months with no payments, one of the beeing the month of May, 2011. There is no evidence to demonstrate Debtor is unable to make plan payments.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this April 20, 2011.

/s/ Jose R. Carrion

/s/ Jose R. Carrion

JOSE R. CARRION
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JQA